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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,036	07/17/2003	Mei Chun Kwong	MCHK/113/US	2255
2543	7590	03/28/2006	EXAMINER	
ALIX YALE & RISTAS LLP 750 MAIN STREET SUITE 1400 HARTFORD, CT 06103			SPISICH, MARK	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,036

Applicant(s)

KWONG, MEI CHUN

Examiner

Mark Spisich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 6-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/4 & 2/25 2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of species I (Figs 1-3) in the reply filed on 25 January 2006 is acknowledged. The traversal is on the ground(s) that the asserted species are merely alternative embodiments with optional features. This is not found persuasive because applicant has merely provided the definition of a species (which are alternative embodiments of a claimed invention) and the only proper traverse of an election of species is to go on record as stating that they are not patentably distinct. If a generic claim is eventually deemed to be allowable, then the requirement will be withdrawn and all the dependent claims re-joined.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 6-9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 25 January 2006.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

4. The drawings are objected to because the "18" (there are two of them in fig 1) closest to the head should be changed to 18. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of

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the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities: (1) "head" (page 5, line 1) should be "neck"; (2) "11" (page 5, line 7) should be "10"; and (3) "22" (page 6, line 1) should be "12".

Appropriate correction is required.

Comment RE claim 4

It would appear that "that" (claim 4, line 3) should instead be "at".

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1,2 and 10 are rejected under 35 U.S.C. 102(a) as being anticipated by WO 02/087464. '464 discloses an electric toothbrush comprising a neck (14), a head supporting a tuft block (13) for oscillation about an axis substantially normal to the rotation axis (A) of the driveshaft, cam (16) and cam follower (17,23).

8. Claims 1,2 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Wong (USP 6,836,918). The patent to Wong discloses an electric toothbrush (100) comprising a neck (106), head (108), driveshaft (104), tuft block (300), cam (112) and cam follower (120).

9. Claims 1-3 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 4,003,305. '305 discloses an electric toothbrush comprising a neck with a head at one end thereof and supporting a tuft block (19), driveshaft (10), cam (11) and cam follower (15) in the form of a lever that pivots about an axis (27 in the embodiment of fig 4) substantially normal to the rotation axis of the driveshaft.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 02/067806 in view of DE 4,003,305. '806 discloses a power toothbrush comprising a neck having a brush head (16) at an end thereof supporting a tuft block (14) as well as a mechanism (7) for converting the rotary motion of a driveshaft to a reciprocating motion of a connecting rod (9) such that the tuft block oscillates about an axis normal to the driveshaft axis. '806 discloses the invention substantially as claimed with the exception of the particular cam/follower structure. '305 discloses a cam (11) and follower (15 in fig 4) for converting rotary motion of a driveshaft (10) to a reciprocating motion to oscillate a tuft block. It would have been obvious to one of ordinary skill to have modified the mechanism '806 between the driveshaft and the connecting rod as taught by '305 as it is shown to be an art-recognized equivalent structure (in the toothbrush art) for converting the rotary motion of a driveshaft to a reciprocating motion of an element between the follower and the tuft block.

12. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art (WO 02/067806 and DE 4,003,305) as applied to claim 4 above, and further in view of Crawford et al (USP 4,845,795). The prior art discloses the invention substantially as claimed with the exception of the seal(s). The patent to Crawford discloses a seal

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(130) between the reciprocating connecting rod (46) and the neck (8). It would have been obvious to one of ordinary skill to have provided such a seal to the prior art to help prevent water from reaching the motor or other drive components.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. JP '530 is further cited as teaching a cam/follower.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (5:30-3:00), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Spisich
Primary Examiner
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